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CORBIS CORPORATION

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BLOODROSE ENTERPRISES, INC,

Plaintiff,

-against-

CONVERSE, INC., KINWAY INDUSTRIES
(U.S.A.), LTD, and CORBIS CORPORATION

Defendants.

No. 07-CV-6445 (GBD) (HP)

**ANSWER & AFFIRMATIVE
DEFENSES OF DEFENDANT
CORBIS CORPORATION**

Defendant Corbis Corporation (“Corbis”), by and through its attorneys, Dorsey & Whitney LLP, as and for its Answer to Plaintiff’s First Amended Complaint (“the Complaint”) alleges as follows:

1. Notes that no response is necessary to paragraph 1 of the Complaint except to acknowledge that plaintiff has filed an action under the Copyright Act and for unfair competition under New York common law.
2. Notes that no response is necessary to paragraph 2 of the Complaint except to acknowledge that, upon information and belief, this Court has jurisdiction pursuant to the Copyright Act.
3. Notes that no response is necessary to paragraph 3 of the Complaint except to acknowledge that, upon information and belief, this Court may, at it’s discretion, exercise supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1338(b).

4. Notes that no response is necessary to paragraph 4 of the Complaint except to acknowledge that, upon information and belief, venue is proper in this District.
5. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 5 of the Complaint.
6. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 6 of the Complaint.
7. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 7 of the Complaint.
8. Corbis responds to paragraph 8 of the complaint by stating that, upon information and belief, Corbis is aware that defendant Converse, Inc. manufactures footwear.
9. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 9 of the Complaint.
10. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 10 of the Complaint.
11. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 11 of the Complaint.
12. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 12 of the Complaint.
13. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 13 of the Complaint.
14. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 14 of the Complaint.
15. Admits the allegations contained in paragraph 15 of the Complaint.

16. Denies each and every allegation contained in paragraph 16 of the Complaint, except admits that Corbis is engaged in the business of licensing photographic images to various entities.

17. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 17 of the Complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 18 of the Complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 19 of the Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 20 of the Complaint.

21. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 21 of the Complaint.

22. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 22 of the Complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 23 of the Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 24 of the Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 25 of the Complaint.

26. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 26 of the Complaint.

27. Denies each and every allegation contained in paragraph 27 of the Complaint, except admits that a photograph of a person with a tattoo resembling the image of a tattoo annexed to the Complaint as Exhibit A was consigned to Corbis for potential licensing.

28. Denies each and every allegation contained in paragraph 28 of the Complaint, except admits that a photograph of a person with a tattoo resembling the image of a tattoo annexed to the Complaint as Exhibit A was consigned to Corbis for potential licensing and was assigned image number DWF15-241109.

29. Denies each and every allegation contained in paragraph 29 of the Complaint, except admits that Corbis has no agreement of any kind with an entity named Bloodrose Enterprises, Inc. regarding the photograph assigned image number DWF15-241109.

30. Denies each and every allegation contained in paragraph 30 of the Complaint, except admits that as of the date of the Complaint, Corbis was offering the photograph assigned image number DWF15-241109 to potential licensees.

31. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 31 of the Complaint.

32. Denies each and every allegation contained in paragraph 32 of the Complaint, except admits that defendant Converse, Inc. licensed the photograph assigned image number DWF15-241109 in June 2005.

33. Admits the allegations contained in paragraph 33 of the Complaint.

34. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 34 of the Complaint.

35. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 35 of the Complaint.

36. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 36 of the Complaint.

37. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 37 of the Complaint.

38. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 38 of the Complaint.

39. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 39 of the Complaint.

40. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 40 of the Complaint.

41. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 41 of the Complaint, except admits that a photocopy of a photograph of a shoe is annexed to the Complaint as Exhibit C.

42. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 42 of the Complaint.

43. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 43 of the Complaint.

44. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 44 of the Complaint.

45. In response to paragraph 45 of the Complaint, Corbis repeats and realleges each and every response contained in its answers to paragraphs 1 through 44 of the Complaint with the same force and effect as though more fully set forth herein.

46. Denies each and every allegation contained in paragraph 46 of the Complaint, except admits that a photograph of a person with a tattoo resembling the image of a tattoo annexed to the Complaint as Exhibit A was consigned to Corbis for potential licensing and was assigned image number DWF15-241109 and made available to potential licensees on Corbis' website.

47. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 47 of the Complaint.

48. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 48 of the Complaint.

49. Denies each and every allegation contained in paragraph 49 of the Complaint.

50. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 50 of the Complaint.

51. In response to paragraph 51 of the Complaint, Corbis repeats and realleges each and every response contained in its answers to paragraphs 1 through 50 of the Complaint with the same force and effect as though more fully set forth herein.

52. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 52 of the Complaint.

53. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 53 of the Complaint.

54. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 54 of the Complaint.

55. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 55 of the Complaint.

56. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 56 of the Complaint.

57. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 57 of the Complaint.

58. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 58 of the Complaint.

59. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 59 of the Complaint.

60. In response to paragraph 60 of the Complaint, Corbis repeats and realleges each and every response contained in its answers to paragraphs 1 through 59 of the Complaint with the same force and effect as though more fully set forth herein.

61. Admits the allegations contained in paragraph 61 of the Complaint.

62. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 62 of the Complaint.

63. Denies each and every allegation contained in paragraph 63 of the Complaint.

64. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 64 of the Complaint.

65. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 59 of the Complaint, except admits that Corbis' licensed the photograph at issue in the United States.

66. Denies each and every allegation contained in paragraph 66 of the Complaint, except admits that Corbis' licensed the photograph at issue in the United States.

67. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 67 of the Complaint, except admits that Corbis' licensed the photograph at issue in the United States.

68. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 68 of the Complaint, except admits that Corbis' licensed the photograph at issue in the United States.

69. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 69 of the Complaint, except admits that Corbis' licensed the photograph at issue in the United States.

70. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 70 of the Complaint.

71. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 71 of the Complaint.

72. In response to paragraph 72 of the Complaint, Corbis repeats and realleges each and every response contained in its answers to paragraphs 1 through 71 of the Complaint with the same force and effect as though more fully set forth herein.

73. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 73 of the Complaint.

74. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 72 of the Complaint.

75. Denies each and every allegation contained in paragraph 75 of the Complaint.

76. Denies each and every allegation contained in paragraph 76 of the Complaint.

77. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 77 of the Complaint.

78. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 78 of the Complaint.

79. Denies each and every allegation contained in paragraph 79 of the Complaint.

80. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 80 of the Complaint.

81. Denies each and every allegation contained in paragraph 81 of the Complaint, except admits that Corbis has no agreement of any kind with an entity named Bloodrose Enterprises, Inc. regarding the photograph assigned image number DWF15-241109.

82. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 82 of the Complaint.

83. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph 83 of the Complaint.

84. Notes that no response to paragraph 84 of the Complaint is required.

FIRST AFFIRMATIVE DEFENSE

Defendants have not copied, reproduced, modified, or prepared any works derivative of any protectible elements of Bloodrose's asserted works, and therefore, have not infringed any of Bloodrose's copyrights.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the applicable statute of limitations or repose.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the equitable doctrines of estoppel, laches and/or unclean hands.

FOURTH AFFIRMATIVE DEFENSE

Copyright Registration VA 1-401-596 (the "Registration") is invalid, unenforceable, and of no force and effect, as the work which is the subject of the Registration (a) did not constitute work original to Bloodrose; (b) was not created by Bloodrose; (c) had been independently created by others; (d) was created with Bloodrose as a co-author; (e) was taken from the public domain, constitutes *scenes à faire*, or was based on preexisting works of others; (f) was not copyrightable subject matter; and/or (g) was never published.

FIFTH AFFIRMATIVE DEFENSE

There is either no substantial similarity between the accused works and Bloodrose's copyrighted work or any claimed similarities are not of protectible expression.

SIXTH AFFIRMATIVE DEFENSE

Even if the accused works are found to incorporate any protectible elements of Bloodrose's asserted work, such use constitutes fair use.

SEVENTH AFFIRMATIVE DEFENSE

Bloodrose is not entitled to any relief because it has not suffered any harm or incurred any damages as a result of any actions of Defendants.

EIGHTH AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

Dated: New York, New York
October 11, 2007

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By: _____/s/_____
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